

REMARKS

Claims 1 - 17 are pending in the application.

On page 2 of the Office Action, claims 1, 3 and 5 - 7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,197,674 to Van Laarhoven (hereinafter "the Van Laarhoven patent"), and on page 3 of the Office Action, claims 1 - 7 and 9 - 13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,366,197 to Westland (hereinafter "the Westland patent"). Additionally, on page 4 of the Office Action, claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over the Westland patent in view of the Van Laarhoven patent, and on page 5, claims 14 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Westland patent in view of Applicant's disclosure.

The present application contains one independent claim, namely claim 1, which is rejected as being anticipated by each of the Van Laarhoven and Westland patents. Applicants traverse the rejections on the basis that neither of the Van Laarhoven nor Westland patents expressly or inherently describes all of the elements of claim 1. Applicants wish for the Examiner to note, however, that Applicants amended claim 1 to clarify certain features of the claim.

Claim 1 provides for a supporting device for a portable device. The supporting device includes, *inter alia*, (1) a supporting frame having (a) a first end that can be placed on a surface, and (b) a second end adjustably arranged in a sliding guide located at a supporting plate; and (2) a lever having (a) a first end mounted at the supporting frame between the first end of the supporting frame and a second end of the supporting frame, and (b) a second end mounted on the supporting plate below the sliding guide. The second end of the supporting frame is movable along the sliding guide to vary a distance between the second end of the supporting frame and the second end of the lever.

Referring to FIG. 4, there is shown an exemplary embodiment of such a supporting device, which includes:

- (1) a supporting frame 12 having

- (a) an end 20 that can be placed on a surface, and
- (b) an end 31 adjustably arranged in a sliding guide 11 at a supporting plate 8, and
- (2) a lever 18 having
 - (a) an end (at an axis 19) mounted at supporting frame 12 between end 20 and end 31, and
 - (b) an end (at axis 23) mounted on supporting plate 8 below sliding guide 11.

As can be seen from the progression of FIGS. 4 – 7, end 31 is movable along sliding guide 35 to vary a distance between end 31 and the end of lever 18 at axis 23.

The Office Action, on page 2, states that the Van Laarhoven patent describes a supporting frame (items 32 and 38) and that the supporting frame has an “end (at the end of 38) that is adjustably arranged in a sliding guide (35)...” The Office Action then indicates that the lever of claim 1 is described by the Van Laarhoven patent as item 45 with an “end pivotally mounted at the supporting frame between the first end and the second end (at 48)”. Thus, the Office Action appears to be equating the Van Laarhoven patent items 32 and 38, in combination, with the supporting frame of claim 1.

However, such a combination of the Van Laarhoven patent **items 32 and 38, is not structurally identical, nor inherently equivalent to, the supporting frame of claim 1** (e.g., FIG. 4, item 12 of the present application). Moreover, (i) as the Office Action identifies the end of 38 in sliding guide (35) as the end of a supporting frame, and (ii) as item 45 is not mounted to 38 at all, the Van Laarhoven patent **item 45 is not mounted between the first and second end of a supporting frame, as recited in claim 1**. Consequently, the Van Laarhoven patent does not anticipate claim 1.

Claims 3 and 5 – 7 depend from claim 1. As such, claims 3 and 5 – 7 are novel over the Van Laarhoven patent.

Applicants respectfully request reconsideration and withdrawal of the section 102(b) rejection of claims 1, 3 and 5 – 7.

The Office Action, on page 3, implies that the Westland patent item 16 is descriptive of the supporting frame of claim 1. The Office Action then indicates that the Westland patent describes a sliding guide (portion containing parts labeled 74) having a locking recess (66), in which an end of the supporting frame (item 16) is movable. However, **the Westland patent does not describe item 16 as being movable along the portion contain parts labeled 74**, and as such, the Westland patent does not describe a support frame being **movable along a sliding guide**, as recited in claim 1. Therefore, the Westland patent does not anticipate claim 1.

Applicants note that on page 5 of the Office Action, in Response to Arguments, the Office Action states, with reference to the Westland patent, that the end of the frame can be moved along the sliding guide when pin 67 **is not inserted**. However, the Westland patent only describes pins 67 as being **mounted through bores 64 and 66** (col. 3, lines 46 – 48), and so, the Westland patent does not expressly describe a supporting frame is **movable along a sliding guide**, as would be required to maintain a section 102 rejection of claim 1.

Furthermore, the Westland patent does not appear to suggest that the apparatus described therein is capable of its desired operation when pins 67 are not inserted. That is, it appears that the removal of pins 67 would render the apparatus of the Westland patent **inoperable**. As such, not only does the Westland patent fail to anticipate claim 1, it also fails to even suggest the features of claim 1.

Applicants respectfully submit that claim 1 is novel over the Westland patent. Claims 2- 7 and 9 – 13 depend from claim 1, and so, are also novel over the Westland patent.

Applicants respectfully request reconsideration and withdrawal of the section 102(b) rejection of claims 1 – 7 and 9 – 13.

Claims 8 and 14 – 17 depend from claim 1. Regarding the section 103(a) rejections of claims 8 and 14 – 17, Applicants respectfully submit that neither of the Van Laarhoven nor Westland patents suggest the elements of claim 1, as explained above. Thus, claim 1 and all it

dependent claims, and in particular claims 8 and 14 – 17, are patentable over the cited references, whether the references are considered alone or in combination with one another.

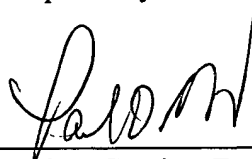
Applicants respectfully request reconsideration and withdrawal of the section 103(a) rejections of claims 8 and 14 – 17.

In view of the foregoing, Applicants respectfully submit that all claims presented in this application patentably distinguish over the prior art. Accordingly, Applicants respectfully request favorable consideration and that this application be passed to allowance.

Applicants amended claim 1 to clarify the recital of the function of the first end of the supporting frame as being for placement on a surface, and also to properly refer to a first end of the lever. Applicants amended claim 4 for consistency with claim 1. None of the amendments is intended to narrow the scope of any term of any of the claims, and as such, the Doctrine of Equivalents should be available for all of the terms of all of the claims.

If the Examiner deems that the present amendment does not place the application in condition for allowance, Applicants respectfully request that it be entered for the purpose of appeal.

Respectfully submitted,



Paul D. Greeley, Esq.
Reg. No. 31,019
Attorney for the Applicants
Ohlandt, Greeley, Ruggiero & Perle, L.L.P.
One Landmark Square, 10th Floor
Stamford, CT 06901-2682
Tel: 203-327-4500
Fax: 203-327-6401

10-14-03

Date